

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVAN WOOD,
MAKAYLA WOOD, and
STATE OF ILLINOIS DEPARTMENT
OF REVENUE,

Defendants.

Case No. 3:21-cv-47-DWD

MEMORANDUM & ORDER

DUGAN, District Judge:

Before the Court is Plaintiff United States of America's motion for default judgment against all Defendants. (Doc. 25) However, the Court finds that Plaintiff has not properly served Defendant Devan Wood. Plaintiff sought to serve Devan Wood by publication pursuant to 28 U.S.C. § 1655. That statute permits service by publication when the defendant "cannot be served within the State" and "personal service is not practicable." 28 U.S.C. § 1655. However, "the plaintiff must prove to the satisfaction of the Court the impracticability of personally serving the absent defendant with the requested warning order." *Citizens & S. Nat'l Bank v. Auer*, 514 F. Supp. 631, 633 (E.D. Tenn. 1977).

Here, counsel for Plaintiff has asserted that the United States Marshal's Office attempted personal service on March 19, 2021, but that Devan Wood's last known address was vacant and no forwarding address was found. (Doc. 10 at 1) Counsel for Plaintiff

claims that he has made “due and diligent inquiry” to find Devan Wood but has been unable to locate him or his residence. (Doc. 10-1) Yet, other than describing one failed service attempt by the Marshal’s Office, counsel has offered no facts detailing his efforts to locate and personally serve Devan Wood. The Court is not satisfied that counsel for Plaintiff has adequately demonstrated his efforts to locate Devan Wood and shown that personal service is impracticable.

For these reasons, Plaintiff’s motion for default judgment (Doc. 25) is **DENIED without prejudice**. On or before October 15, 2021, Plaintiff shall either (1) file an amended motion for default judgment with an additional affidavit detailing counsel’s efforts to locate and personally serve Devan Wood, or (2) make sufficient efforts to locate and personally serve Devan Wood and then, if necessary, file a new motion for publication with an affidavit detailing those efforts.

SO ORDERED.

Dated: September 17, 2021

The image shows a handwritten signature in black ink that reads "David W. Dugan". The signature is written over a circular official seal. The seal features an eagle with spread wings in the center, surrounded by the text "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF ILLINOIS" at the bottom.

DAVID W. DUGAN
United States District Judge